

### **REMARKS**

This paper is filed in response to the Office Action dated May 24, 2010, in the above-referenced application. This paper is timely filed as it is accompanied by a petition for extension of time and authorization to charge our credit card account in the amount of the requisite fee. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 29610/CDT498.

Claims 1-42 are pending in this application. By the foregoing, claims 9, 17, 32, 35, 41, and 42 have been amended to correct typographical errors. No new matter has been added.

### **RESTRICTION REQUIREMENT**

The action requires election of a single claim group from the following groups:

Group I: claims 15 and 16, which are directed to a compound of formula (IV);

Group II: claims 5 and 6, which are directed to a monomer of formula (II);

Group III: claims 1-4, which are directed to a polymer of formula (I);

Group IV: claims 10-12, which are directed to an optical device comprising the polymer of formula (I);

Group V: claims 13 and 14, which are directed to a switching device comprising the polymer of formula (I);

Group VI: claims 22-28, 40, and 41, which are directed to a polymer of formula (VII);

Group VII: claim 29, which is directed to a monomer of formula (VIII);

Group VIII: claims 30-34, which are directed to an electroluminescent device comprising the polymer repeat unit of formula (IX) and a luminescent dopant;

Group IX: claims 17-21, which are directed to a method of forming a monomer of formula (VI);

Group X: claims 35-39 and 42, which are directed to a method of forming compounds of formula (X); and

Group XI: claims 7-9, which are directed to a method of polymerizing a monomer of formula (II).

The requirement is respectfully traversed for at least the following reason.

The appropriate standard for determining unity of invention follows:

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the *prior art*.

*See* M.P.E.P. §1893.03(d) (emphasis added). “When making a lack of unity requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.” *Id.*

The examiner asserted that the claim groups do not share unity of invention in view of Kabir, et al, Journal of the Chemical Society, Perkins Transactions 1 (2001), pages 159 165, at page 160, column 2, compound 15. Specifically, the examiner asserted that compound 15 discloses the limitations of claim 15. However, the examiner failed to explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group, as required.

Accordingly, the restriction requirement is defective and should be withdrawn.

In this respect, the applicants note that a unity of invention of invention rejection was not made in the counterpart PCT application.

#### **PROVISIONAL ELECTION**

Pursuant to the requirements of 37 C.F.R. §1.143, the applicant provisionally elects Group III for continued prosecution in this application, with traverse.

**CONCLUSION**

Should the examiner wish to discuss the foregoing amendments and/or comments, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is respectfully invited to contact the undersigned attorney at the indicated telephone number.

Respectfully submitted,

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